

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. Marxen et al.

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

Serial No.: 09/887,939

For: Modeling and Fabrication of
Three-dimensional Irregular
Surfaces for Hearing
Instruments

I hereby certify that this paper is being
uploaded to EFS-Web this day.

/Joel Miller/ January 23, 2007
Signature Date of Signature

Filed: June 22, 2001

Joel Miller 29,955
Attorney Name Reg. No.

Group: 2615

Examiner: Suhan Ni

Att'y Dkt.: 2001 P 11061 US

Letter Concerning Notice of Abandonment Mailed January 16, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

The notice of abandonment states that the application is abandoned because the applicants did not reply to the December 1, 2005 office action. However, please note that a notice of appeal, an extension of time, and a pre-appeal brief request for review were timely submitted via EFS-Web on March 30, 2006. A copy with the filing acknowledgment, downloaded from the USPTO website, are attached.

Dated: January 23, 2007

Respectfully submitted,

/Joel Miller/
Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attachment (5 pages)

Attorney for Applicant(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. Marxen et al.

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

Serial No.: 09/887,939


I hereby certify that this paper is being uploaded to
EFS-Web this day.

For: Modeling and Fabrication of
Three-dimensional Irregular
Surfaces for Hearing Instruments

Joel Miller
Attorney Name

29,955
Reg. No.

Filed: June 22, 2001


Signature

March 30, 2006
Date of Signature

Group: 2643

Examiner: Suhan Ni

Att'y Dkt.: 2001 P 11061 US

Notice of Appeal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

Applicants appeal to the Board of Patent Appeals and Interferences from the last decision of the examiner, reopening prosecution (M.P.E.P. § 1204).

Dated: March 30, 2006

Respectfully submitted,


Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attorney for Applicant(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. Marxen et al.

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

Serial No.: 09/887,939

I hereby certify that this paper is being uploaded to
EFS-Web this day.

For: Modeling and Fabrication of
Three-dimensional Irregular
Surfaces for Hearing Instruments

Joel Miller
Attorney Name

29,955
Reg. No.

Filed: June 22, 2001

[Signature]
Signature

March 30, 2006
Date of Signature

Group: 2643

Examiner: Suhan Ni

Att'y Dkt.: 2001 P 11061 US

Petition for Extension of Time

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

This is a request per 37 C.F.R. § 1.136(a) to extend the period for filing a reply in this application for a period of **one (1)** month. Please charge the non-small entity fee of **\$120.00** to Deposit Account No. 19-2179, as previously authorized by the application transmittal.

Dated: March 30, 2006

Respectfully submitted,

[Signature]
Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attorney for Applicant(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. Marxen et al.

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

Serial No.: 09/887,939

For: Modeling and Fabrication of
Three-dimensional Irregular
Surfaces for Hearing Instruments


I hereby certify that this paper is being uploaded to
EFS-Web this day.

Filed: June 22, 2001

Joel Miller
Attorney Name

29,955
Reg. No.

Group: 2643


Signature

March 30, 2006
Date of Signature

Examiner: Suhan Ni

Att'y Dkt.: 2001 P 11061 US

Pre-Appeal Brief Request for Review

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:


Applicant requests review of the final rejection. No amendments are being filed with this request. A notice of appeal was accompanies this request.

Notwithstanding the remarks in the 03/24/06 Advisory Action concerning the use of a computer to modify the shell surface, the reference fails to satisfy the claim limitation directed to the step of "adjusting the fit of the digital representation of the outer surface of the shell in the digital representation of the ear canal," i.e., performing the steps while the digital representation of the shell is positioned within the digital representation of the ear canal, as explained in the first full paragraph on page 9 of the applicants' Response to Office Action Mailed 12/01/05, filed on February 27, 2006.

The Advisory Action does not address this limitation. Reconsideration is requested.

Dated: March 30, 2006

Respectfully submitted,


Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attorney for Applicant(s)

Electronic Acknowledgement Receipt

| | |
|--|---|
| EFS ID: | 1014974 |
| Application Number: | 09687939 |
| Confirmation Number: | 7697 |
| Title of Invention: | Modeling and fabrication of three-dimensional irregular surfaces for hearing instruments |
| First Named Inventor: | Christopher J. Marxen |
| Correspondence Address: | JOEL MILLER, ESQ. - 17 WESTWOOD DRIVE SOUTH - WEST ORANGE NJ 07502 US - - |
| Filer: | Joel Miller |
| Filer Authorized By: | |
| Attorney Docket Number: | 2001P11061US |
| Receipt Date: | 30-MAR-2006 |
| Filing Date: | 22-JUN-2001 |
| Time Stamp: | 17:45:20 |
| Application Type: | Utility |
| International Application Number: | |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes) | Multi Part | Pages |
|--|------------------------------|--------------|------------------|------------|-------|
| 1 | | shi40089.pdf | 60248 | yes | 3 |
| | Multipart Description | | | | |
| | Doc Desc | | Start | End | |
| | Notice of Appeal Filed | | 1 | 1 | |
| | Extension of Time | | 2 | 2 | |
| | Pre-Brief Conference request | | 3 | 3 | |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 60248 | | |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> | | | | | |